

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION (MDL NO.: 2406)	} } } }	Master File No.: 2:13-CV-20000-RDP This document relates to all cases.
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ORDER


In accordance with the Memorandum Opinion entered this day, the court concludes that various Defendants' Motions to Dismiss (Docs. # 107, 110¹, 112, 113, 114, 116², 119, 121, 122, 125, and 135) are due to be and hereby are **DENIED WITHOUT PREJUDICE**. Defendants' Consolidated Motion to Dismiss (Doc. # 108) is **DENIED IN PART**.

On or before July 15, 2014, the parties **SHALL** filed a joint status report regarding a proposal for consideration of the remaining issues raised in Defendants' Supplemental Brief in Support of Motion to Dismiss (Doc. # 115) related to the Consolidated Motion to Dismiss (Doc. # 108).

¹ This Motion is directed to the allegations of a Complaint filed in the underlying case in the District of Maryland (and that case was centralized as part of this MDL (*see* Doc. # 19)). Pursuant to this court's May 30, 2013 Order (Doc. # 79), however, the Consolidated Complaints filed respectively by the Providers and the Subscribers (Docs. # 85, 86) are the operative complaints for purposes of this MDL, and supersede all other complaints filed in any of the actions centralized in this MDL. Therefore, this Motion is **DENIED WITHOUT PREJUDICE**, and the parties **SHALL** consult with one another as to the best method of addressing the issues raised in this motion (Doc. # 110), and file a joint report with the court related to their discussions **on or before July 15, 2014**.

² In this Motion, Defendants argue that Shred 360 does not have standing because, pursuant to the allegations of the Subscribers' Master Complaint, Shred 360 was not a direct purchaser. (Doc. # 116). The court agrees with Plaintiffs that the allegations of the Master Complaint should be read in the light most favorable to Plaintiffs and, therefore, the Motion is due to be denied without prejudice. A decision on that disputed issue is more appropriate for determination on a developed factual record.

DONE and **ORDERED** this June 18, 2014.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE